

1 AMENDMENT TO HOUSE BILL 44

2 AMENDMENT NO. _____. Amend House Bill 44 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 6-305 as follows:

6 (625 ILCS 5/6-305) (from Ch. 95 1/2, par. 6-305)

7 Sec. 6-305. Renting motor vehicle to another.

8 (a) No person shall rent a motor vehicle to any other
9 person unless the latter person, or a driver designated by a
10 nondriver with disabilities and meeting any minimum age and
11 driver's record requirements that are uniformly applied by
12 the person renting a motor vehicle, is then duly licensed
13 hereunder or, in the case of a nonresident, then duly
14 licensed under the laws of the State or country of his
15 residence unless the State or country of his residence does
16 not require that a driver be licensed.

17 (b) No person shall rent a motor vehicle to another
18 until he has inspected the drivers license of the person to
19 whom the vehicle is to be rented, or by whom it is to be
20 driven, and compared and verified the signature thereon with
21 the signature of such person written in his presence unless,
22 in the case of a nonresident, the State or country wherein

1 the nonresident resides does not require that a driver be
2 licensed.

3 (c) No person shall rent a motorcycle to another unless
4 the latter person is then duly licensed hereunder as a
5 motorcycle operator, and in the case of a nonresident, then
6 duly licensed under the laws of the State or country of his
7 residence, unless the State or country of his residence does
8 not require that a driver be licensed.

9 (d) (Blank).

10 (e) (Blank).

11 (f) Any person who rents a motor vehicle to another
12 shall only advertise, quote, and charge a rental rate that
13 includes the entire amount except taxes and a mileage charge,
14 if any, which a renter must pay to hire or lease the vehicle
15 for the period of time to which the rental rate applies. The
16 person must provide, on the request of the renter, based on
17 the available information, an estimated total of the daily
18 rental rate, including all applicable taxes, fees, and other
19 charges, or an estimated total rental charge, based on the
20 return date of the vehicle noted on the rental agreement.
21 Further, if the rental agreement does not already provide an
22 estimated total rental charge, the following statement must
23 be included in the rental agreement:

24 "NOTICE: UNDER ILLINOIS LAW, YOU MAY REQUEST, BASED ON
25 AVAILABLE INFORMATION, AN ESTIMATED TOTAL DAILY RENTAL
26 RATE, INCLUDING TAXES, FEES, AND OTHER CHARGES, OR AN
27 ESTIMATED TOTAL RENTAL CHARGE, BASED ON THE VEHICLE
28 RETURN DATE NOTED ON THIS AGREEMENT."

29 Such person shall not charge in addition to the rental
30 rate, taxes, and mileage charge, if any, any fee which must
31 be paid by the renter as a condition of hiring or leasing the
32 vehicle, such as, but not limited to, required fuel or
33 airport surcharges, nor any fee for transporting the renter
34 to the location where the rented vehicle will be delivered to

1 the renter. In addition to the rental rate, taxes, and
2 mileage charge, if any, such person may charge for an item or
3 service provided in connection with a particular rental
4 transaction if the renter can avoid incurring the charge by
5 choosing not to obtain or utilize the optional item or
6 service. Items and services for which such person may impose
7 an additional charge include, but are not limited to,
8 optional insurance and accessories requested by the renter,
9 service charges incident to the renter's optional return of
10 the vehicle to a location other than the location where the
11 vehicle was hired or leased, and charges for refueling the
12 vehicle at the conclusion of the rental transaction in the
13 event the renter did not return the vehicle with as much fuel
14 as was in the fuel tank at the beginning of the rental.

15 (g) Every person renting a motor vehicle to another
16 shall keep a record of the registration number of the motor
17 vehicle so rented, the name and address of the person to whom
18 the vehicle is rented, the number of the license, if any, of
19 said latter person, and the date and place when and where the
20 license, if any, was issued. Such record shall be open to
21 inspection by any police officer or designated agent of the
22 Secretary of State.

23 (h) A person licensed as a new car dealer under Section
24 5-101 of this Code shall not be subject to the provisions of
25 this Section regarding the rental of private passenger motor
26 vehicles when providing, free of charge, temporary substitute
27 vehicles for customers to operate during a period when a
28 customer's vehicle, which is either leased or owned by that
29 customer, is being repaired, serviced, replaced or otherwise
30 made unavailable to the customer in accordance with an
31 agreement with the licensed new car dealer or vehicle
32 manufacturer, so long as the customer orally or in writing
33 is made aware that the temporary substitute vehicle will be
34 covered by his or her insurance policy and the customer shall

1 only be liable to the extent of any amount deductible from
2 such insurance coverage in accordance with the terms of the
3 policy.

4 (i) This Section, except the requirements of subsection
5 (g), also applies to rental agreements of 30 continuous days
6 or less involving a motor vehicle that was delivered by an
7 out of State person or business to a renter in this State.

8 (j) A public airport may, if approved by its local
9 government corporate authorities or its airport authority,
10 impose a customer facility charge upon customers of rental
11 car companies for the purposes of financing, designing,
12 constructing, operating, and maintaining consolidated car
13 rental facilities and common use transportation equipment and
14 facilities, which are used to transport the customer,
15 connecting consolidated car rental facilities with other
16 airport facilities.

17 Notwithstanding subsection (f) of this Section, the
18 customer facility charge shall be collected by the rental car
19 company as a separate charge, and clearly indicated as a
20 separate charge on the rental agreement and invoice. Facility
21 charges shall be immediately deposited into a trust account
22 for the benefit of the airport and remitted at the direction
23 of the airport, but not more often than once per month. The
24 charge shall be uniformly calculated on a per-contract or
25 per-day basis. Facility charges imposed by the airport may
26 not exceed the reasonable costs of financing, designing,
27 constructing, operating, and maintaining the consolidated car
28 rental facilities and common use transportation equipment and
29 facilities and may not be used for any other purpose.

30 Notwithstanding any other provision of law, the charges
31 collected under this Section are not subject to retailer
32 occupation, sales, use, or transaction taxes.

33 (k) When a rental car company states a rental rate in
34 any of its rate advertisements, its proprietary computer

1 reservation systems, or its in-person quotations intended to
2 apply to an airport rental, a company that collects from its
3 customers a customer facility charge for that rental under
4 subsection (j) shall do all of the following:

5 (1) Clearly and conspicuously disclose in any
6 radio, television, or other electronic media
7 advertisements the existence and amount of the charge if
8 the advertisement is intended for rentals at an airport
9 imposing the charge or, if the advertisement covers an
10 area with multiple airports with different charges, a
11 range of amounts of customer facility charges if the
12 advertisement is intended for rentals at an airport
13 imposing the charge.

14 (2) Clearly and conspicuously disclose in any print
15 rate advertising the existence and amount of the charge
16 if the advertisement is intended for rentals at an
17 airport imposing the charge or, if the print rate
18 advertisement covers an area with multiple airports with
19 different charges, a range of amounts of customer
20 facility charges if the advertisement is intended for
21 rentals at an airport imposing the charge.

22 (3) Clearly and conspicuously disclose the
23 existence and amount of the charge in any telephonic,
24 in-person, or computer-transmitted quotation from the
25 rental car company's proprietary computer reservation
26 system at the time of making an initial quotation of a
27 rental rate if the quotation is made by a rental car
28 company location at an airport imposing the charge and at
29 the time of making a reservation of a rental car if the
30 reservation is made by a rental car company location at
31 an airport imposing the charge.

32 (4) Clearly and conspicuously display the charge in
33 any proprietary computer-assisted reservation or
34 transaction directly between the rental car company and

1 the customer, shown or referenced on the same page on the
2 computer screen viewed by the customer as the displayed
3 rental rate and in a print size not smaller than the
4 print size of the rental rate.

5 (5) Clearly and conspicuously disclose and
6 separately identify the existence and amount of the
7 charge on its rental agreement.

8 (6) A rental car company that collects from its
9 customers a customer facility charge under subsection (j)
10 and engages in a practice which does not comply with
11 subsections (f), (j), and (k) commits an unlawful
12 practice within the meaning of the Consumer Fraud and
13 Deceptive Business Practices Act.

14 (Source: P.A. 92-426, eff. 1-1-02.)".